

3/28/05

B/ 3737/

PATENT

Express Mail Label No. EV387965123US
Attorney Docket No.: 281_329.02RCE

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Mail Stop: Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Express Mail Label No. EV387965123US

On March 25, 2005

By: Christine M. Holmes
Christine M. Holmes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ervin Goldfain et al.

Application No.: 09/862,636

Filed: May 22, 2001

For: Eye Viewing Device Comprising
Eyepiece and Video Capture Optics

Examiner: John R. Sanders, Jr.

Art Unit: 3737

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop Amendment
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. Copies of references AA-AS are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(h), no inference should be made that the information and references cited are material to patentability. Also, no inference should be made that a reference is prior art merely because it is included in this statement. Under 37 CFR §1.97(g), the

submission of an information disclosure statement should not be considered as representation that a search has been made.

In compliance with the concise explanation requirements under 37 CFR § 1.98(a)(3) for foreign language documents, Applicants enclose herewith copies of English-language translations for various Japanese references that have been made of record in related Japanese application 2000-583418. To the extent that full English translations of the Japanese reference could be accessed through reasonable searching of various databases, applicants included the full translation. For references where only English translations of Japanese reference were accessible, applicants submit such translations. For the remaining references cited in JP 2000-583418 where English translations could not be accessed through reasonable searching, applicants submit the full untranslated Japanese reference. The documentation submitted (full text translation, abstract translation or full text Japanese only) for each reference is summarized on form PTO/SB/08B.

37 CFR 1.98(a)(3)(ii) states that if no translation is submitted, the Examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches. “The duty of candor does not require that the applicant translate every foreign reference, but only that the applicants refrain from submitting partial translations and concise explanations that it knows will misdirect the examiner’s attention from the reference’s relevant teaching.” 204 F.3d at 138, 54 USPQ2d at 1008.

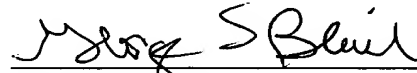
Applicants believe that a fee is required for submission of this statement. A check in the amount of \$180.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: March 25, 2005



George S. Blasiak

Registration No. 37,283

WALL MARJAMA & BILINSKI LLP

101 South Salina Street

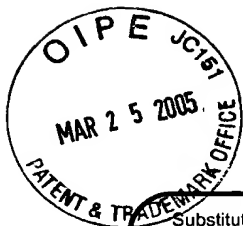
Suite 400

Syracuse, NY 13202

315-425-9000

315-425-9114 (FAX)

Customer No. 20874
GSB/cmh



PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet **1** of **2**

Complete if Known

Application Number	09/862,636
Filing Date	May 22, 2001
First Named Inventor	Ervin Goldfain, et al.
Art Unit	3737
Examiner Name	John R. Sanders, Jr.
Attorney Docket Number	281 329.02RCE

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-4,721,378	01/26/1988	Volk	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	AB	JP	6-285026	Full text JP reference with full English translation	10/11/1994	Robert Yves et al.		<input type="checkbox"/>
	AC	JP	7-77658	Full text JP reference with full English translation	03/20/1995	Thomas Hellmuth et al.		<input type="checkbox"/>
	AD	JP	11-89798	Full text JP reference with full English translation	04/06/1999	Takahashi Yoshihiro et al.		
	AE	JP	50-147928	Full text JP reference with English abstract translation	11/27/1975			
	AF	JP	51-49024	Full text JP reference	04/27/1976			
	AG	JP	53-126792	Full text JP reference with English abstract translation	11/06/1978	Kobayakawa Yoshi		
	AH	JP	54-6393	Full text JP reference	01/18/1979			
	AI	JP	55-45216	Full text JP reference with Counterpart U.S. Patent No. 3,586,424 (providing full English translation)	03/29/1980			
	AJ	JP	57-148929	Full text JP reference	09/14/1982			
	AK	JP	60-210240	Full text JP reference with English abstract translation	10/22/1985	Oregu Pomerantsuefu		
	AL	JP	61-269108	Full text JP reference with English abstract translation	11/28/1986	Manfureeto Supitsutsunasu et al.		
	AM	JP	62-220916	Full text JP reference with English abstract translation	09/29/1987	Manfuretto Supitsutsunasu et al.		

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Unsaved Document



+

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

Complete if Known

(use as many sheets as necessary)

Sheet	2	of	2
-------	---	----	---

Application Number	09/862,636
Filing Date	May 22, 2001
First Named Inventor	Ervin Goldfain, et al.
Art Unit	3737
Examiner Name	John R. Sanders, Jr.
Attorney Docket Number	281 329.02RCE

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

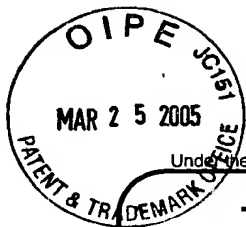
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AS	JP Patent Application 2000-583418 Notice of Grounds for Rejection in the English language.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/862,636		
	Filing Date	May 22, 2001	
	First Named Inventor	Ervin Goldfain et al.	
	Group Art Unit	3737	
	Examiner Name	John R. Sanders, Jr.	
Total Number of Pages in This Submission	7	Attorney Docket Number	281_329.02RCE

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Mailroom Postcard; Certificate of Express Mailing, Form PTO/SB/08B, Copies of references AA-AS and our check in the amount of \$180.00.
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Wall Marjama & Bilinski LLP	Reg. No. 37,283
Signature		
Date	March 25, 2005	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service using the Express Mail Post Office To Addressee service per 37 CFR 1.10 under Express Mail No. EV387965123US addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 25, 2005.		
Typed or printed name	Christine M. Holmes	
Signature		Date March 25, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Complete if Known

<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Application Number	09/862,636
TOTAL AMOUNT OF PAYMENT	Filing Date	May 22, 2001
\$180.00	First Named Inventor	Ervin Goldfain et al.
Express Mail Label EV387965123US	Examiner Name	John R. Sanders, Jr.
METHOD OF PAYMENT (check all that apply)	Art Unit	3737
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	Attorney Docket No.	281_329.02RCE
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-0289 Deposit Account Name: Wall Mariama & Bilinski LLP		

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments ☒ Credit any overpayments of fee(s) under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

							Entity	
Fee Description							Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent							50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent							200	100
Multiple dependent claims							360	180
Total Claims		Extra Claims		Fee (\$)		Fee Paid (\$)	Multiple Dependent Claims	
	- 20 or HP =		x		=		Fee (\$)	Fee Paid (\$)
HP= highest paid number of total claims paid for, if greater than 20								
Indep. Claims		Extra Claims		Fee (\$)		Fee Paid (\$)		
	- 3 or HP =		x		=			
HP =highest number of independent claims paid for, if greater than 3								

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a) (1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEES

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other: Information Disclosure Statement Fee	180.00

SUBMITTED BY

Signature	<i>George S. Blasak</i>	Registration No. 37,283 (Attorney/Agent)	Telephone 315-425-9000
Name (Print/Type)	George S. Blasak		Date March 25, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.